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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,667	12/29/1999	ERIC RHODES QUINN	192601540BS9	1291
23370	7590	10/24/2003	EXAMINER	
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET SUITE 2800 ATLANTA, GA 30309			ANWAH, OLISA	
		ART UNIT		PAPER NUMBER
		2645		
DATE MAILED: 10/24/2003				

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/473,667	QUINN ET AL.	
	Examiner	Art Unit	
	Olisa Anwah	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-41 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-41 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on ____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in-
 - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
 - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-41 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hunt et al, U.S. Patent No. 6,094,476 (hereinafter Hunt).

Regarding claim 1, Hunt discloses a telephone user interface (Figure 1) comprising:

a first command mode (136, Figure 3) for receiving a first command signal in association with an option of a first menu structure of options, said first command mode having an active or inactive status;

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a second command mode (138, Figure 3) for receiving a second command signal in association with an option of a second menu structure of options, said second command mode having an active or inactive status, said options of said first menu structure logically associated with said options of said menu structure; and

a command mode switch, functionally connected to said first and second command modes and responsive to said first and second command signals, for toggling between the first command mode and second command mode by switching one of said first command mode and said second command mode from said active status to said inactive status and by switching the remaining one of said first command mode and said second command mode from said inactive status to said active status (col. 2, lines 45-55).

Regarding claim 2, see 138 and 136 from Figure 3.

Regarding claim 3, see Figure 2.

Regarding claim 4, see col. 12, lines 10-15.

Regarding claims 5 and 6, see col. 2, lines 45-55.

Regarding claim 7, Hunt discloses a telephone user interface (Figure 1) comprising:

a voice-based command mode (138, Figure 3) for receiving a vocalized command signal in association with a voice option of a

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menu structure of voice options, said voice-based command mode having an active or inactive status (col. 12, lines 10-15);

a tone-based command mode (136, Figure 3) for receiving a tonal command signal in association with a tone option of a menu structure of tone options, said tone-based command mode having an active or inactive status, said voice options logically associated with said tone options (col. 12, lines 10-15);

a command mode switch, functionally connected to said voice-based and tone-based command modes and responsive to said vocalized and tonal command signals, for toggling between said voice-based command mode and said tone-based command by switching one of said voice-based command mode and said tone-based command mode from said active status to said inactive status and by switching the remaining one of said voice-based command mode and said tone-based command mode from said inactive status to said active status (col. 2, lines 45-55).

Regarding claims 8-11, see col. 12, lines 10-15.

Regarding claim 12, Hunt discloses a telephone user interface command mode having a menu structure of tone options and a voice based command mode having a menu structure of voice options (see Figures 2 and 3), wherein the tone options correspond to the voice options, a method for toggling among

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said tone-based and voice-based command modes, said method comprising the steps of (col. 2, lines 45-55) :

operating the TUI in a selected command mode (col. 12, lines 10-15);

in response to receiving a command signal, activating the non-selected one of said tone-based and said voice-based commands and disabling said selected command mode, operating the TUI in said non-selected command mode (col. 2, lines 45-55).

Regarding claims 13, 14 and 18-20 see col. 12, lines 10-15.

Regarding claims 15-17, see col. 13, lines 50-60 and col. 12, lines 5-65. Also see col. 2, lines 50-65.

Regarding claims 21-24, see col. 2, lines 45-55.

Regarding claim 25, Hunt discloses a computer readable medium on which is stored a computer program for controlling a telephone user interface (Figure 3) comprising at least two command modes, each of said command modes adapted to having operation interrupted by toggling among said command modes (col. 2, lines 45-55), said computer program further comprising a database having control options for each of said command modes, each said control option of one of said command modes correlated to one of said control options of the other command mode, and

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said computer program comprising instructions which, when executed by a computer (see Figure 3), perform the steps of:

operating said TUI in a first one of said command modes, interrupting said first command mode in response to receiving a command signal to implement another of said command modes and in response to receiving said command signal, activating a second one of said command modes associated with said command signal (col. 2, lines 45-55).

Regarding claim 26, see col. 2, lines 45-55.

Regarding claim 27, see col. 12, lines 30-60.

Regarding claim 28, Hunt discloses in an integrated computer telephony system providing a telephone user interface (TUI), said TUI having a pair of command modes, a method for toggling between said command modes (see Figure 3), comprising the steps of:

activating a first one of said command modes to control said TUI (col. 12, lines 10-15);

interrupting said first command mode in response to receiving a command signal to activate a second one of said command modes, in response to interrupting said first command mode, activating said command mode associated with said command signal in place of said first command mode (col. 2, lines 45-55).

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Regarding claim 29, see col. 9, lines 1-15.

Regarding claim 30, Hunt discloses in a program module operating within a telecommunications system and having access to a TUI, said TUI having a pair of command modes for controlling said TUI and providing a plurality of options to be implemented through the telecommunications system (see Figures 2 and 3), a method for controlling said command modes, comprising the steps of:

implementing one of the said command modes to initially control said TUI (col. 12, lines 10-15); and

toggling, by said TUI, of said command modes, wherein said toggling is initiated by interrupting the operation of one of said command modes while one of said command modes is controlling said TUI, activating the other of said command modes, and resuming control of said TUI while in the other of said command modes (col. 2, lines 45-55).

Regarding claims 31 and 32, see col. 9, lines 1-15.

Regarding claim 33, see col. 2, lines 45-55.

Regarding claim 34, see col. 9, lines 1-15.

Regarding claim 36, see col. 13, lines 50-60 and col. 12, lines 5-15.

Regarding claim 37, see Figure 5.

Regarding claims 35 and 38, see col. 2, lines 45-55.

Regarding claim 39, Hunt discloses a computer system for toggling command modes of a telephone user interface (TUI) having a first command mode and a second command mode (see Figure 3), said computer system comprising:

a processing unit (see Figure 3);

a memory storage device operative to store a program implementing said TUI (see Figure 3); and

an interface device coupled to said processing unit for receiving a call (see Figure 3);

said processing unit responsive to instructions in said program and being operative to prompt for a command signal, activate said first command mode associated with said command signal, control said TUI while in said first command mode (col. 12, lines 10-15);

interrupt the first command mode in response to receiving a subsequent command signal to activate said command mode associated with said subsequent command signal in place of said first command mode and resume operation of said TUI by utilizing said command mode (col. 2, lines 45-55).

Regarding claims 40 and 41, see col. 13, lines 50-60 and col. 12, lines 5-15.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.
Olisa Anwah
Patent Examiner
September 30, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

